

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Alfonso L. Spells
Tinika M. Robinson–Spells
Debtor(s)

Bankruptcy Case No.: 15–21453–CMB
Issued Per Sep. 22, 2016 Proceeding
Chapter: 13
Docket No.: 87 – 74, 80
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated July 26, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,545 as of October 2016. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Ally Financial at Claim No. 5 as a long term debt .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: September 28, 2016

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Alfonso L. Spells
 Tinika M. Robinson-Spells
 Debtors

Case No. 15-21453-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 71

Date Rcvd: Sep 28, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 30, 2016.

db #+Alfonso L. Spells, 2408 S. Braddock Avenue, Pittsburgh, PA 15218-2245
 jdb +Tinika M. Robinson-Spells, 2408 S. Braddock Avenue, Pittsburgh, PA 15218-2245
 cr +Ally Financial, Tucker Arensberg, P.C., c/o Brett A. Solomon, Esquire, 1500 One PPG Place,
 Pittsburgh, PA 15222-5413
 cr +Equitable Gas Bankruptcy Department, Attn: Judy Gawlowski, 225 North Shore Drive 2nd Floor,
 Pittsburgh, PA 15212-5860
 cr +Peoples Natural Gas Company, LLC, Attn: Dawn Lindner, 375 North Shore Drive, Suite 600,
 Pittsburgh, PA 15212-5866
 14095668 American InfoSource LP as agent for, DIRECTV, LLC, PO Box 51178,
 Los Angeles, CA 90051-5478
 14035009 Ashley Stewart, PO Box 182125, Columbus, OH 43218-2125
 14035010 +Best Buy, PO Box 6497, Sioux Falls, SD 57117-6497
 14035011 +Borough of Swissvale, 7447 Washington Street, Pittsburgh, PA 15218-2581
 14035012 Bureau of UC Benefits and Allowances, P.O. Box 67503, Harrisburg, PA 17106-7503
 14062860 CAPITAL ONE, N.A., C/O BECKET AND LEE LLP, POB 3001, MALVERN, PA 19355-0701
 14035016 ++CITIBANK, PO BOX 790034, ST LOUIS MO 63179-0034
 (address filed with court: Children's Place, PO Box 183015, Columbus, OH 43218-3015)
 14035018 ++CONTINENTAL FINANCE COMPANY LLC, PO BOX 8099, NEWARK DE 19714-8099
 (address filed with court: Continental Finance, PO Box 105125, Atlanta, GA 30348)
 14035013 +Capital One, PO Box 71083, Charlotte, NC 28272-1083
 14087299 +Cavalry SPV I, LLC, Assignee of Capital One Bank USA, N.A., Bass & Associates, P.C.,
 3936 E Ft. Lowell Road Suite #200, Tucson, AZ 85712-1083
 14035015 +Chase Receivables Prof. Collection Agcy, 1247 Broadway, Sonoma, CA 95476-7503
 14035017 +Citizens Bank, PO Box 42023, Providence, RI 02940-2023
 14067375 +Commonwealth of PA - Dept. of Labor & Industry, UC, Labor & Industry Bldg., 10th Floor,
 651 Boas Street, Harrisburg, PA 17121-0725
 14035019 +++DEPARTMENT OF ECONOMIC DEVELOPMENT, 611 WILLIAM PENN PL STE 800, PITTSBURGH PA 15219-6927
 (address filed with court: Department of Economic Development, 425 Sixth Avenue, Suite 800,
 Pittsburgh, PA 15219)
 14044202 +Department Stores National Bank For Macys Branded, Bankruptcy Processing, Po Box 8053,
 Mason, OH 45040-8053
 14035021 +Duquesne Light Company, Payment Processing Center, PO Box 67, Pittsburgh, PA 15267-0067
 14035022 +Fast Loans, PO Box 50191, Minneapolis, MN 55405-0191
 14035023 Fingerhut, PO Box 166, Newark, NJ 07101-0166
 14035024 Gordon's Jewelers, PO Box 183015, Columbus, OH 43218-3015
 14035027 JC Penney, c/o Protfolio Recovery Associates, PO Box 12914, Virginia Beach, VA 23451
 14035029 +JD Byrider, 4916 William Penn Highway, Monroeville, PA 15146-3756
 14035032 Lane Bryant, PO Box 182125, Columbus, OH 43218-2125
 14035035 +Macy's, PO Box 183083, Columbus, OH 43218-3083
 14035038 Navient, PO Box 9533, Minneapolis, MN 55405
 14035040 +PA Department of Revenue, PO Box 281041, Harrisburg, PA 17128-1041
 14040992 +PNC BANK, N.A., PO BOX 94982, CLEVELAND, OHIO 44101-4982
 14035042 PNC Bank, PO Box 856177, Louisville, KY 40285-6177
 14094236 +PNC Bank, N.A., Attn: Bankruptcy Department, 3232 Newmark Drive,
 Miamisburg, OH 45342-5421
 14035043 +PNC Mortgage, PO Box 8807, Dayton, OH 45401-8807
 14035041 Peoples Natural Gas, P.O. Box 535323, Pittsburgh, PA 15253-5323
 14035045 +Springleaf, PO Box 64, Canton, OH 44707-0064
 14035047 +The Wilkinsburg Penn Joint Water Autho., 2200 Robinson Blvd., Pittsburgh, PA 15221-1193
 14035048 Torrid, PO Box 182125, Columbus, OH 43218-2125
 14035049 +United Revenue Collection, PO Box 1184, Langhorne, PA 19047-6184
 14035050 Venus, PO Box 182125, Columbus, OH 43218-2125
 14035052 Victoria's Secret, PO Box 182125, Columbus, OH 43218-2125
 14035053 +Vivint Inc., 62992 Collection Drive, Chicago, IL 60693-0001

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14056547 +E-mail/Text: rmartin@lmmcollections.com Sep 29 2016 01:55:41 Allstate Security Systems,
 c/o Lockhart, Morris & Montgomery, Inc., 1401 N. Central Expy., Suite 201,
 Richardson, TX 75080-4681
 14043340 E-mail/Text: ally@ebn.phinsolutions.com Sep 29 2016 01:54:01 Ally Financial,
 PO Box 130424, Roseville, MN 55113-0004
 14035008 +E-mail/Text: ally@ebn.phinsolutions.com Sep 29 2016 01:54:01 Ally Financial,
 PO Box 380901, Minneapolis, MN 55438-0901
 14042445 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 29 2016 02:52:28
 American InfoSource LP as agent for, T Mobile/T-Mobile USA Inc, PO Box 248848,
 Oklahoma City, OK 73124-8848
 14043423 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Sep 29 2016 02:36:28
 American InfoSource LP as agent for, Midland Funding LLC, PO Box 268941,
 Oklahoma City, OK 73126-8941
 14046236 +E-mail/Text: bankruptcy@jdbyrider.com Sep 29 2016 01:56:02 CNAC,
 12802 Hamilton Crossing Blvd, Carmel, IN 46032-5424
 14091558 +E-mail/Text: bankruptcy@cavps.com Sep 29 2016 01:55:35 Cavalry SPV I, LLC,
 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 71

Date Rcvd: Sep 28, 2016

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14035020 E-mail/Text: mrdiscen@discover.com Sep 29 2016 01:54:01 Discover Financial Services,
PO Box 30943, Salt Lake City, UT 84130-0943
14042224 E-mail/Text: mrdiscen@discover.com Sep 29 2016 01:54:01 Discover Bank,
Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
14035025 +E-mail/Text: cio.bncmail@irs.gov Sep 29 2016 01:54:17 Internal Revenue Service,
PO Box 7346, Philadelphia, PA 19101-7346
14035028 E-mail/PDF: gecsed@recoverycorp.com Sep 29 2016 01:49:58 JC Penney, PO Box 960090,
Orlando, FL 32896-0090
14035026 +E-mail/Text: ebnsterling@weltman.com Sep 29 2016 01:54:26 Jared, c/o Steling Incorporated,
Customer Service Dept., 375 Ghent Road, Akron, OH 44333-4601
14035030 E-mail/Text: ebnsterling@weltman.com Sep 29 2016 01:54:27 Kay Jewelers, PO Box 740425,
Cincinnati, OH 45274-0425
14035031 +E-mail/Text: bnckohlsnotices@becket-lee.com Sep 29 2016 01:54:12 Kohl's, PO Box 3120,
Milwaukee, WI 53201-3120
14035033 +E-mail/Text: rmartin@lmmcollections.com Sep 29 2016 01:55:41 Lockhart Morris & Montgo,
833 Arapaho Road, Richardson, TX 75081-2246
14035034 E-mail/PDF: gecsed@recoverycorp.com Sep 29 2016 01:49:04 Lowe's, PO Box 530914,
Atlanta, GA 30353-0914
14063433 E-mail/Text: bkr@cardworks.com Sep 29 2016 01:53:51 MERRICK BANK,
Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
14035036 +E-mail/Text: bkr@cardworks.com Sep 29 2016 01:53:51 Merrick Bank, PO Box 9201,
Old Bethpage, NY 11804-9001
14035037 +E-mail/Text: bankruptcydpt@mcmcg.com Sep 29 2016 01:55:03 Midland Funding LLC,
8875 Aero Drive, Suite 200, San Diego, CA 92123-2255
14035039 +E-mail/Text: Ombknotifications@onemainfinancial.com Sep 29 2016 01:56:01 One Main Financial,
6801 Colwell Boulevard, Irving, TX 75039-3198
14093894 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Sep 29 2016 02:00:12
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14110037 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Sep 29 2016 01:54:45
Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
Harrisburg, PA 17128-0946
14057321 E-mail/Text: bnc-quantum@quantum3group.com Sep 29 2016 01:54:31
Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
14039355 E-mail/PDF: cbp@springleaf.com Sep 29 2016 01:50:48 Springleaf Financial Services,
PO Box 3251, Evansville, IN 47731
14035044 E-mail/PDF: gecsed@recoverycorp.com Sep 29 2016 01:50:51 Sam's Club, PO Box 530942,
Atlanta, GA 30353-0942
14069271 +E-mail/Text: hochheiser@buckleyking.com Sep 29 2016 01:54:02 Sterling Jewelers, Inc.,
dba Jared The Galleria of Jewelry, c/o Buckley King LPA, 600 Superior Avenue, Suite 1400,
Cleveland, Ohio 44114-2693
14089437 +E-mail/Text: hochheiser@buckleyking.com Sep 29 2016 01:54:02
Sterling Jewelers, Inc. dba Kay Jewelers, c/o Buckley King LPA,
600 Superior Avenue East, Suite 1400, Cleveland, Ohio 44114-2693
14035046 +E-mail/Text: bankruptcyntices@dcicollect.com Sep 29 2016 01:55:48 T-Mobile,
c/o Diversified Consultants Inc, 10550 Deerwood Park Blvd #309,
Jacksonville, FL 32256-2805
14035051 +E-mail/Text: compliance@chaserec.com Sep 29 2016 01:56:04 Verizon, c/o Chase Receivable,
1247 Broadway, Sonoma, CA 95476-7503

TOTAL: 29

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Duquesne Light Company
cr PNC Bank, National Association
cr PNC Bank, National Association
14035014* Capital One, PO Box 71083, Charlotte, NC 28272-1083

TOTALS: 3, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

District/off: 0315-2

User: jhel
Form ID: 149

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***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 30, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 28, 2016 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor PNC Bank, National Association
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com; bkgroup@kmlawgroup.com
Brett A. Solomon on behalf of Creditor Ally Financial bsolomon@tuckerlaw.com,
dparanay@tuckerlaw.com; apetronchak@tuckerlaw.com; agilbert@tuckerlaw.com
Kenneth M. Steinberg on behalf of Joint Debtor Tinika M. Robinson-Spells
julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com; cgoga@steidl-steinberg.com; leslie.nebel@steidl-steinberg.com
Kenneth M. Steinberg on behalf of Debtor Alfonso L. Spells julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com; cgoga@steidl-steinberg.com; leslie.nebel@steidl-steinberg.com
Kenneth M. Steinberg on behalf of Plaintiff Alfonso L. Spells julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com; cgoga@steidl-steinberg.com; leslie.nebel@steidl-steinberg.com
Kenneth M. Steinberg on behalf of Plaintiff Tinika M. Robinson-Spells
julie.steidl@steidl-steinberg.com,
kenny.steinberg@steidl-steinberg.com; cgoga@steidl-steinberg.com; leslie.nebel@steidl-steinberg.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernsteinlaw.com,
ckutch@ecf.courtdrive.com; pashcroft@ecf.courtdrive.com; pghecf@bernsteinlaw.com; cabbott@ecf.courtdrive.com
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company, LLC sjw@sjwpgh.com,
srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com
S. James Wallace on behalf of Creditor Equitable Gas Bankruptcy Department sjw@sjwpgh.com,
Equitablebankruptcy@peoples-gas.com; srk@sjwpgh.com

TOTAL: 11